



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE: 17.01.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.(MD) No.264 of 2018

Mahalakshmi

... Petitioner

-Vs-

1. The Revenue Divisional Officer,
Kovilpatti, Thoothukudi District.

2. The Thasildar,
Kayathar Taluk,
Thoothukudi District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the second respondent in his proceedings in Na.Ka.No.1/2345/2017 dated 21.012.2017 and quash the same consequently direct the second respondent to issue the legal-heir certificate to the petitioner.

For Petitioner	:	Mr.G.Gomathi Sankar
For Respondents	:	Mr.Aayiram K.Selvakumar Additional Government Pleader

O R D E R

The writ petition has been filed challenging the order passed by the second respondent refusing to grant legal-heir certificate to the petitioner.

2. According to the petitioner, one deceased Krishnammal, is her maternal aunt and the petitioner was brought up by her, and the said Krishnammal has also filed an application under the Guardian Wards Act in G.W.O.P.No.221 of 2002 before the Principal District Court, Thoothukudi, and it was allowed and the said Krishnammal was appointed as a guardian. Thereafter, the above said Krishnammal died on 04.01.2017, without any legal-heirs. After the death of the said Krishnammal, the petitioner filed an application before the second respondent Thasildar seeking legal-heir certificate and the Thasildar rejected the same on the ground that the petitioner is not the direct legal-heir of the deceased Krishnammal. Challenging the above said order, the writ petition has been filed.

3. The learned counsel appearing for the petitioner submitted that the petitioner is the only legal-heir and the deceased



Krishnammal does not have any direct legal-heir and the petitioner was brought up by the said Krishnammal and she was also appointed as a guardian by the competent Court. In the above circumstances, the petitioner is entitled to claim a legal-heir certificate.

4. Per contra, the learned Additional Government Pleader appearing for the respondents rely upon a circular issued by the Commissioner, Revenue Administration, dated 09.08.2017, wherein it is directed that when the deceased has no child or his / her own and another child is brought up, the Tahsildar should direct the applicant only to approach the civil Court, and the Tahsildar cannot issue certificate. In view of the above circular, since the petitioner not being the direct legal-heir of the deceased Krishnammal, the Thasildar is not in a position to issue legal-heir certificate to her.

5. As rightly contended by the learned counsel for the respondents that as per the circular issued by the Commissioner of Revenue Administration, dated 09.08.2017, the deceased has no child or his/her own, the Tahsildar cannot issue any legal-heir certificate, and the petitioner should approach the Civil Court to get necessary legal-heir certificate, and as per the circular, the Tahsildar only empower to issue legal-heir certificate to the direct legal-heirs.

6. In the above circumstances, I am of the view that the Tahsildar has rightly directed the petitioner to approach the Civil Court and there is no illegality or irregularity in the order passed by the Tahsildar. Accordingly, the Writ Petition is dismissed. However, it is open to the petitioner to approach the Civil Court to get appropriate orders. No costs.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Revenue Divisional Officer,
Kovilpatti, Thoothukudi District.
2. The Thasildar,
Kayathar Taluk,
Thoothukudi District.

+ 1 CC TO Mr.G.GOMATHI SANKAR, ADVOCATE IN SR No. 42583
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 42857

AKV

TE/KKR/SAR-4 : 20/02/2018 : 2P/5C

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